

REMARKS

Amendment to the Specification

The specification has been amended by way of the present amendment, in order to recite the sequence identifiers associated with the amino acid sequences recited in the Description of the Drawings section of the application. Thus, no new matter is presented by way of the Amendment. Entry of the amendments is respectfully requested.

Restriction Requirement

Applicants respectfully traverse the restrictions requirement. Under M.P.E.P. § 803, a restriction is proper if the subject matter can be restricted into one of two or more claimed inventions, and these inventions are either independent (M.P.E.P. § 806.04) or distinct (M.P.E.P. § 806.05). However, the second element for a restriction requirement to be proper is that if the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent and distinct inventions.

Furthermore, the Office has not set forth an explanation of how a search of the claimed invention would be burdensome. Applicants further submit that a search of both groups of claims would not be burdensome, as a search of fusion polypeptide comprising a cytokine and cytokine receptor, DNA encoding, and a method of treating cells with the fusion polypeptide would result in methods of gene therapy using these polypeptides as well. The restriction should be withdrawn or, at the very least, reconsidered.

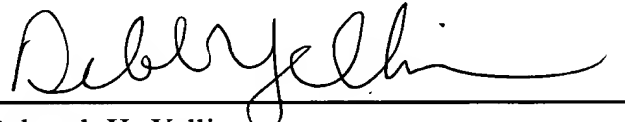
CONCLUSION

Accordingly, for at least all of the reasons set forth above, withdrawal of the requirement for restriction is requested and believed to be in order. Further and favorable consideration of all the claims of record on the merits is respectfully requested.

In the event that there are any questions relating to this Amendment and Reply to Restriction Requirement, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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Attachment to Amendment and Reply to Restriction Requirement

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Page 6, Paragraph Beginning at Line 15

Fig. 1 shows the amino acid (DNA) sequence of a fusion polypeptide H-IL-6 according to the invention. Sequences for the restriction enzyme Sall (GTCGAC), the signal peptide (SEQ ID NO.: 14) (MLAVGCALLAALLAAPGAA) and the linker (SEQ ID NO.: 15) (RGGGGSGGGGSVE) are indicated. The linker links the COOH terminus of human sIL-6R with the NH₂ terminus of human IL-6.

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Fig. 2 shows the amino acid (DNA) sequence of a fusion polypeptide H-IL-6 according to the invention. Sequences for the restriction enzyme Sall (GTCGAC), the signal peptide (SEQ ID NO.: 14) (MLAVGCALLAALLAAPGAA) and the linker (SEQ ID NO.: 16) (RGGGGSGGGGSVE) are indicated. The linker links the COOH terminus of human sIL-6R with the NH₂ terminus of human IL-6.

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